(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 243 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. D. Lotlikar, Senior Advocate with Ms. S. Naik, Advocte for the petitioners.

CORAM : S. A. BOBDE, J.

DATE : 16th July, 2004.

P.C.:

By this petition, the petitioners/ landlords challenge the Order of the learned IInd Addl. District Judge, North Goa, dismissing their application for temporary injunction. The petitioners approached the trial court complaining of breach of Section 33 of the Rent Control Act. The trial Court granted the injunction. The Appellate Court found, however, that the repairs had already been carried out by the tenant and that it was not a fit case for grant of mandatory

injunction.

2. As regards the present case, the Appellate Court has come to the categorical conclusion that the respondent is not making any construction. The Appellate Court has observed that: "....there is nothing before me suggesting that any acts of the appellant are in progress and what appears from the pleadings is that the appellant has already done the works mentioned above...".

3. Shri Lotlikar, learned Senior Counsel appearing for the petitioners, submitted that there is an apprehension in the petitioners' mind that the respondent may undertake further construction without permission of the petitioners. I am of the view that in such an eventuality, the petitioners shall be entitled to approach the Court for an injunction again. That is, however, no reason

for granting a restraint order at this stage, in view of the finding that the respondent is not doing anything presently.

4. The petition is accordingly summarily dismissed.

S.A. BOBDE, J.

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